

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                   |   |                                      |
|-----------------------------------|---|--------------------------------------|
| <b>DOMINO'S PIZZA</b>             | : | <b>CIVIL ACTION NO. 1:09-CV-0661</b> |
| <b>FRANCHISING LLC and</b>        | : |                                      |
| <b>DOMINO'S IP HOLDER LLC,</b>    | : | <b>(Judge Conner)</b>                |
|                                   | : |                                      |
| <b>Plaintiffs</b>                 | : |                                      |
|                                   | : |                                      |
| <b>v.</b>                         | : |                                      |
|                                   | : |                                      |
| <b>MAKING THE DOUGH, INC. and</b> | : |                                      |
| <b>WAYNE C. CRECELIUS,</b>        | : |                                      |
|                                   | : |                                      |
| <b>Defendants</b>                 | : |                                      |

**ORDER**

AND NOW, this 27th day of April, 2009, in light of the consolidated preliminary injunction hearing and trial on the merits scheduled to commenced on the date hereof,<sup>1</sup> and upon consideration of the motion for a preliminary injunction (Doc. 24), and of the motion (Doc. 34) filed by John Yaninek, Esquire ("Attorney Yaninek") to withdraw as attorney for defendant Wayne C. Crecelius ("Crecelius"), and of the motion to continue (Doc. 37) filed by the same, and it appearing that Crecelius has retained substitute counsel for Attorney Yaninek, (see Doc. 38), and the parties having apprised the court that they have reached an understanding for amicable resolution of the above-captioned matter, it is hereby ORDERED that:

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<sup>1</sup>Trial was originally scheduled for Thursday, April 23, 2009. (See Doc. 21 ¶ 6.) During a telephone conference with counsel of record on April 22, 2009, the court continued the trial to facilitate settlement discussions.

1. The consolidated preliminary injunction hearing and trial on the merits scheduled to commence on the date hereof is CANCELLED.
2. The motion for a preliminary injunction (Doc. 24) is DENIED as moot without prejudice to plaintiffs' right to renew it in the event that the parties are unable to consummate a settlement agreement.
3. The motion to withdraw (Doc. 34) filed by Attorney Yaninek is GRANTED. Attorney Yaninek is DISCHARGED as counsel for Crecelius.
4. The motion to continue (Doc. 37) is DENIED as moot.
5. On or before Wednesday, April 29, 2009, counsel for plaintiffs and defendants shall file a joint notice apprising the court whether additional proceedings will be necessary in this matter. In the absence of any such notice, the court will issue a sixty-day settlement order.
6. Nothing contained herein shall affect the viability of the pending temporary restraining order (Doc. 21), which remains in full force and effect.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge